

**Amended
M I N U T E S
SANDY CITY COUNCIL MEETING**
Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

January 9, 2007

Meeting was commenced at 7:00 p.m.

PRESENT:

Council Members: Chairman Dennis Tenney, Vice Chairman Bryant Anderson, Scott Cowdell, Steve Fairbanks, Linda Martinez Saville, and Stephen Smith

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; Community Development Director Mike Coulam; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Deputy to the Mayor John Hiskey; Police Chief Stephen Chapman; Police Budget & Finance Secretary Terry Cummings; Deputy Director Finance & Information Services Scott Bond; Council Office Director Phil Glenn; Council Executive Secretary Pam Lehman

ABSENT/EXCUSED:

Councilman Chris McCandless [Family]

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by **Council Office Director Phillip Glenn**, and the Pledge was led by **Councilman Bryant Anderson**.

2. **CITIZEN(S) COMMENTS:**

a. There were no citizen comments.

COUNCIL ITEMS:

3. **Sieverts Rezoning**

Ordinance #07-01- to rezone approximately 3.27 acres located at approximately 9680 South Monroe Street (255 West) from the (ID) "Industrial District" to the (CBD) "Central Business" District.

MOTION: **Bryant Anderson** made the motion to adopt **Ordinance #07-01**, to rezone approximately 3.27 acres located at approximately 9680 South Monroe Street (255 West) from the (ID) "Industrial District" to the (CBD) "Central Business" District.

SECOND: **Linda Martinez Saville**

VOTE: **Anderson - Yes, Saville - Yes, Fairbanks- Yes, Cowdell- Yes, McCandless- Absent, Smith- Yes, Tenney- Yes**

Motion Approved: 6 in favor - 1 absent

4. **Code Amendment: Amend Section 15-05-01 (B), Commercial Land Use Matrix and 15-15-02, Definitions**
Ordinance #07-02- amending Sections 15-05-01(B) Commercial Land Use Matrix, and 15-15-02, Definitions, to permit the land use, "All -Terrain Vehicle Sales & Service", within the ID (Industrial) Zone.

MOTION: **Steve Fairbanks** made the motion to adopt **Ordinance #07-02**, amending Sections 15-05-01(B) Commercial Land Use Matrix, and 15-15-02, Definitions, to permit the land use, "All-Terrain Vehicle Sales & Service", within the ID (Industrial) Zone.

SECOND: **Steve Smith**

VOTE: **Fairbanks- Yes, Smith- Yes, McCandless- Absent, Cowdell- Yes, Saville- Yes, Anderson-Yes, Tenney- Yes**

Motion Approved: 6 in favor - 1 absent

5. **Mayor Dolan/John Hiskey:**
 - a. **Briefing on Upcoming Legislative Session**
 - b. **School District Studies**

DISCUSSION: Deputy Mayor John Hiskey reported on the upcoming issues that the Utah League of Cities and Towns [ULCT] will be advocating for in the 2007 Legislative Session. Mr. Hiskey presented a handout to the Council from the ULCT to serve as a guideline for several ULCT high-priority issues.

In 2006, the ULCT resolved issues related to planning and zoning, sales tax on food products, energy sales and use tax revisions, and redevelopment agencies. In 2007, the State will have significant budget surpluses and it is anticipated that major policy debates on issues such as eminent domain, transportation funding, telecommunication and cable taxes, and local land-use authority will be conducted.

In 2006, the membership of the ULCT adopted a resolution to codify their position on land-use matters. This resolution reflects the work of the ULCT/Developer Ad-Hoc Committee, and also includes general policy statements that reflect the public's desire for a managed and pragmatic community development program. They would like to establish training criteria and resources for local land use officials to ensure that those charged with making land-use decisions are adequately equipped to do so. The Real Estate Industry has funds specifically set aside for training. These funds would be used to train city employees and officials. Also, they would like to establish a presence of fundamental fairness by articulating the specific reason for any land-use application denial, and provide in writing the rationale for any land-use decision offered by a local land-use authority.

Steve Fairbanks asked if guidelines regarding exactions for takings from developers would be better defined during the upcoming Legislative Session.

John Hiskey indicated that he was not certain. He noted that most cities have been too busy with expansion and economic growth in their communities to send land-use officials for additional training.

Community Development Director Mike Coulam noted that developers have the right to take their appeals on land -use decisions to an Ombudsman.

Sales Tax Distribution: John Hiskey reported that in 2006, the ULCT supported legislation to move all cities & towns to a revised Sales Tax Distribution. All cities and towns were placed on the 50-50 distribution formula for the 1% local option sales tax. The 20 year-old hold-harmless arrangement was also removed. The formula is based 50% on the point of sale, and 50% on the population of the city. After the distribution changes were made in 2006, the ULCT membership adopted a resolution to support the current sales tax distribution formula and oppose any efforts to change that formula to be either more heavily weighted on the point of sale criteria or the population criteria. They are also encouraging the legislature to allow local governments to determine the appropriate distribution formula for the sales tax that cities and towns share.

Mr. Hiskey noted that the sales tax had been reduced by 2% on food items.

Mayor Dolan noted that the legislature would address lowering the 2% sales tax on food even further during the upcoming legislative session.

Transportation Funding: John Hiskey explained that estimates on the magnitude of the transportation funding shortfall range was from \$5.8 billion in the next 10 years to roughly \$16 billion in the next 20 years. The only way to address a shortfall of this magnitude is to be creative and use multiple funding resources. The ULCT is encouraging the Legislature to take the following action during the 2007 Legislative Session.

1. Remove the cap of the 1/16th sales tax diversion for local B&C Road Projects.
2. Use portions of the state budget surplus on one-time congestion mitigation improvements.
3. Clarify that local governments can, and are encouraged to, bond against the local option corridor preservation funding mechanism.
4. Continue to examine alternative funding options for state and local transportation improvements to include: gas tax, vehicle registration fees, local option tax authority and any other logical and available revenue tools.

Eminent Domain: John Hiskey mentioned that the State Legislature has spent the last few years revamping most aspects

of the redevelopment statute. One issue that still requires attention is eminent domain, critical private property right protections, plus ensuring that local governments can effectively redevelop blighted areas within their community. The concepts that the ULCT is encouraging the legislature to support are:

1. Establishing areas that comply with the new defined blight criteria are the only areas eligible for the use of eminent domain under the redevelopment statute.
2. Implement a threshold of "receptiveness" to the use of eminent domain. At least 2/3rd of the property owners representing at least ½ of the land area must be under option to buy, or willing to sell without the threat or use of an eminent domain in order for an eminent domain to be used on the "hold-out" properties.
3. Require a separate super-majority vote of the governing body before eminent domain can be included in the project area plan and implemented by the agency.
4. Reinstate the relocation assistance provisions for property owners of condemned properties to ensure they are fairly compensated for the condemnation.

Mr. Hiskey informed the Council that Representative Stephen Urquhart of St. George is sponsoring a bill that would enable waste water and culinary water treatment facilities to be built without municipal approval. A treatment facility is proposed to be built in Riverton, Utah that would service South Jordan, Herriman, Bluffdale, Draper, and some Sandy residents.

Mayor Dolan noted that even though Sandy residents will not be affected by the proposed sewer treatment plant, it is critical for this facility to be built. A moratorium on new sewer connections will have to be implemented until the plant is built. Mayor Dolan stated that he was hopeful that an agreement could be worked out between the citizens' group and the sewer district instead of implementing laws that would restrict all cities.

Telecommunication Issues: Mr. Hiskey reported that the Legislature is proposing that franchise agreements with telecommunication companies be handled on local levels.

Mayor Dolan noted that the telephone franchise tax was originally at 6%, but that it would decrease to 4% over a three-year cycle. Negotiations are underway with the telecommunication companies on the percentage rate.

Mr. Hiskey reported that Representative Houge, on behalf of Bluffdale City, is proposing a bill that would require a vote from citizens if changes are made to the form of city government. He reported that the Legislature will be redefining costs and election dates associated with the new electronic voting machines.

Mayor Dolan noted that the cities are not required to use the new electronic voting system. This system was implemented as a service to the residents. The County has discovered that it is more cost effective to use paper ballots.

Jordan School District: **Mr. Hiskey** presented a copy of a letter from Jordan School District Superintendent Barry Newbold regarding the Growth Summit that was held in November, 2006. [Ref: Exhibit "A"]

Bryant Anderson questioned how the Jordan School District could take a legal position on the de-consolidation of the Jordan School District when they are using tax payer monies.

CAO Byron Jorgenson explained that the District can take a position on the issue, they just cannot use tax payer monies to promote their cause.

Steve Smith informed the Council that the new school district feasibility study group has gone through the process of exploring the various facets of creating a new school district. Mr. Smith noted that economics has not been the driving force. The driving force has been the lack of responsiveness to local students' needs from the Jordan School District.

Bryant Anderson asked if the projected growth that is to occur in the Jordan School District over the next ten to fifteen years had been taken into account in the studies.

Steve Smith noted that growth projections will be included in the group's studies. It is projected that the Jordan School District's population will increase from 70,000 students to 114,000 students over the next ten years if not addressed.

Mayor Dolan noted that the Jordan School District is one of the largest school districts in the United States.

Bryant Anderson asked if the Jordan School District receives tax revenue from Kennecott.

Mayor Dolan explained that the Legislature established a growth fund where tax revenues from Kennecott are now distributed state wide.

Scott Cowdell wondered if the school district could impose their own impact fees as a way to finance new buildings.

Mayor Dolan noted that the Wasatch Regional Council went through a seven-year battle to get the Legislature to approve impact fees for municipalities. The school districts will only take impact fee revenue away from the municipalities, and real estate developers will not be willing to pay more in order for school districts to use impact fees to help fund schools. Mayor Dolan stated that this issue is not the cities fight.

6. **Police Updates:**

- a. **Statistical Report**
- b. **Community Oriented Policing**
- c. **Traffic Control Efforts**

DISCUSSION: Police Chief Steve Chapman presented a detailed slide presentation on the Police Department's Operational Statistics, Community Oriented Policing and Traffic Control Efforts. **[Ref: Exhibit "B"]**

Steve Fairbanks stated that he had heard that the Salt Lake City Police Chief was eliminating their Community Oriented Policing program.

Chief Chapman reported that Salt Lake City did away with their CAT program, not the Community Oriented Policing program,

Linda Martinez Saville expressed her excitement for the Community Oriented Policing Program, and how she appreciates Lieutenant Watson's efforts in running the program. She noted that she will become an area leader again. She is a true believer in the Neighborhood Watch program, and has seen such great progress in resolving neighborhood concerns when the entire community works together.

Chief Chapman noted that he appreciates the efforts of the many citizen volunteers who give of their time and efforts to run the Neighborhood Watch Program in their neighborhoods.

Dennis Tenney asked that the Council receive a hard copy of the power point presentation.

MINUTES:

7. Approving the **January 2, 2007** City Council Meeting Minutes.

MOTION: **Steve Smith** made the motion to approve the January 2, 2007 City Council Meeting Minutes as written.

SECOND: **Steve Fairbanks**

VOTE: **The Council responded verbally in the affirmative to the motion.**

8. **MAYOR'S REPORT**

- a. **Mayor Dolan** commented on the recent Dan Jones survey that was conducted. He stated how pleased he was with the preliminary results. He noted that when the last poll was taken, the Gravel Pit was a big issue. The results from the recent poll indicate that the residents no longer consider the development on the Gravel Pit site too be a big issue.

- b. **Mayor Dolan** asked the Council for their support, in the form of a resolution, to endorse his efforts as Mayor in locating the proposed REAL Soccer Stadium in Sandy. **Chairman Tenney** asked that a resolution be prepared and presented to the Council for adoption at next Tuesday's Council Meeting.

Linda Martinez Saville commented on how much she enjoyed viewing the photographs from the Council's recent trip to Frisco, Texas where they had the opportunity to see the soccer stadium facilities. She commented on how

beautiful the facility was, and what a wonderful addition it would be to have a stadium such as this one located in the City. She also noted that her husband felt that if all the residents could view this video, they would have a better understanding of what the Mayor is trying to accomplish in locating the soccer stadium in Sandy.

Mayor Dolan reported that Love Communications has been hired to compile information releases on the proposed soccer stadium. This information will be mailed to every household in the City. He also noted that a new design for the stadium has been proposed, and in his opinion, is more attractive than the original design.

Scott Cowdell suggested playing the photographs of the Frisco, Texas trip on the City's web page.

Mayor Dolan felt that this was something that could be done once the upcoming Legislative Session has ended.

- c. **Steve Smith** referenced a newspaper article printed in the Salt Lake Tribute regarding the possible private investment from Goldman Sachs for funding of the proposed soccer stadium. Mr. Smith was concerned whether the response from Goldman Sachs is conflicting with the Mayor's understanding, and whether REAL has responded to the letter the City sent regarding meeting with Goldman Sachs to discuss future phases of the project.

Mayor Dolan noted that the City would hold discussions with Goldman Sachs especially if they become part owners in the proposed Soccer Stadium. The City has nothing to say until the County makes their decision on funding the stadium.

Bryant Anderson stated that the news media has misconstrued the parking garage that has already been committed by the County for the South Town Expo Center. He stated that the parking garage should be built even if the soccer stadium deal falls through. He noted that he attended the Home Show last weekend at the Expo Center. The parking lot was full, and there were people waiting to find a parking spot. Mr. Anderson asked who receives the revenue from the fees charged to attend the events at the Expo Center.

Mayor Dolan reported that the County funds the Expo Center, and the revenues from the shows are returned to them.

Mr. Anderson asked what percentage of sales tax is collected by Sandy on items sold at the Expo Center.

Mayor Dolan stated that he was not certain, but would have his request researched.

9. **CAO'S REPORT**

- a. **Byron Jorgenson** informed the Council that Planning Director George Shaw will be retiring from the City after 30 years of service. An Open House will be held in his honor on Monday, January 15, 2007, from 3:00 p.m. to 4:30 p.m. in the Multi Purpose Room.
- b. **Byron Jorgenson** invited the City Council members to participate in a Cabinet Retreat that will be scheduled for sometime in March. **Mayor Dolan** indicated that they would like to discuss several issues pertaining to health care and retirement, plus engage in team building exercises. He stated that the Council would be welcome to bring their spouses along. The retreat would most likely be held on a Thursday afternoon, concluding on Friday evening.

10. **COUNCIL OFFICE DIRECTOR'S REPORT**

- a. **Phil Glenn** presented a copy of the monthly calendar. He also presented a copy of an invitation to George Shaw's retirement Open House.
- b. **Phil Glenn** informed the Council that Steve Fairbanks, Steve Smith, Bryant Anderson, Dennis Tenney, and Phil Glenn have been registered for the Local Officials Day on January 17th. Councilwoman Linda Martinez Saville and Councilman Scott Cowdell indicated that they would not be able to attend.

- c. **Phil Glenn** presented a copy of a newspaper article for the Council to read that was printed in the Salt Lake Tribune Article regarding Utah House Speaker Greg Curtis considering the use of hotel tax money on TRAX or Hogle Zoo instead of funding for the proposed Soccer Stadium.
- d. **Phil Glenn** noted that the National League of Cities 2007 Congressional City Conference in Washington D.C. , is scheduled for Saturday, March 10th, thru Wednesday, March 14th. Mr. Glenn asked the Council to please respond as soon as possible if they are planning on attending the conference so that hotel accommodations can be reserved for them. **Dennis Tenney** indicated that he would be attending the conference, **Steve Smith** stated that he would not be attending, and **Steve Fairbanks** indicated that he may be interested in attending.
- e. **Phil Glenn** presented a copy of the Legislative Policy Committee Meeting Schedule from the Utah League of Cities and Towns. He noted that Bryant Anderson and Steve Fairbanks presently serve as representatives on this committee.
- f. **Employee Recognition Award**
The Council selected an individual, from several nominations, for their annual Employee Recognition Awards, to be presented at the Annual Award Banquet on January 30, 2007.

Motion: **Scott Cowdell** made the motion to nominate **individual #d** for the Employee Recognition Award.

Second: **Linda Martinez-Saville**

Vote: **The Council responded verbally in the affirmative to the motion.**

Motion Approved: 6 in favor- 1 absent

- g. **Phil Glenn** informed the Council that their nominations for the Noal Bateman Award recipients had been submitted.

11. **OTHER COUNCIL BUSINESS**

- a. **Steve Smith** reported that the Planning Commission is discussing the issue of Payday Loan facilities. The Planning Commission is in the process of compiling information to forward to the Council regarding these business types and their regulation. Mr. Smith noted that the Planning Commission is undecided at this time on whether to recommend that an ordinance be established.
- b. **Scott Cowdell** asked the Administration to research costs associated with moving three homes located on State Street, adjacent to the South Towne Expo Center. The three homes are scheduled for demolition if the parking garage is built at the Expo Center. He felt these home would fit nicely on lots in Sandy's Historic area.
- c. **Bryant Anderson** presented a brief breakdown on the .25% cent transportation sales tax that was approved by the voters this past election. He indicated that the sales tax would go towards the Mountain View Corridor, Commuter Rail, and widening on I -80. He also noted that the Wasatch Regional Front Council presented their list of highway and transit plans for the year 2030. Mr. Anderson felt that it was important for Sandy to have their projects listed so that federal funding can be procured for our projects.

Mayor Dolan reported that Sandy City updates their road projects every four years, and that federal funds have been set aside for various road projects once legislation and funding mechanisms are approved.

- d. **Bryant Anderson** felt that it would be a nice gesture, on behalf of the Council, to write a letter to Goldman Sachs expressing the Council's appreciation and support for their interest in the Soccer Stadium Project.

Chairman Tenney asked that **Economic Development Director Randy Sant**, and **Phil Glenn** draft a letter to Goldman Sachs expressing the Council's appreciation for their patience in working though the process of funding the Soccer Stadium. He asked that the letter be prepared for the Council's signatures next Tuesday.

At approximately 9:05 p.m., Scott Cowdell made a motion to adjourn Council Meeting, motion seconded by Linda Martinez Saville.

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City Council Meeting Minutes

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Dennis B. Tenney
Council Chairman

Pam Lehman
Council Office Executive Secretary

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